

## **MINUTES**

### **UTAH SOCIAL WORK LICENSING BOARD MEETING**

**January 4, 2007**

**Room 475 – 4<sup>th</sup> Floor – 9:00 A.M.  
Heber Wells Building**

**CONVENED:** 9:02 A.M.

**ADJOURNED:** 1:25 P.M.

**Bureau Manager:**  
**Board Secretary:**

Noel Taxin  
Karen McCall

**Board Members Present:**

Tammer M. Attallah  
Joyce Stowe-St. Clair  
Dennis R. Frandsen  
Patsy J. Smith  
Jean V. McAfee  
Steven Fisher, Chairperson  
Mark de St. Aubin

**Guests:**

F. David Stanley, Division Director

#### **TOPICS FOR DISCUSSION**

#### **DECISIONS AND RECOMMENDATIONS**

##### **ADMINISTRATIVE BUSINESS:**

Read and approve the December 14, 2006 Minutes.

This item was deferred to the February 1, 2007 Board meeting.

##### **APPOINTMENTS:**

**10:00 A.M.**

Henry McCloyn, Probationary Interview

Mr. McCloyn met for his probationary interview.

Mr. Fisher conducted the interview.

**Mr. Fisher stated that Mr. McCloyn's drug tests have been negative. He asked Mr. McCloyn how he did over the holiday.**

Mr. McCloyn responded that the holidays were good

for him.

**Mr. Fisher asked how he is doing in securing employment.**

Mr. McCloyn responded that it has been difficult and he is still unemployed. He stated that when he interviews he does disclose that he is on probation and explains the reason for the probation. Mr. McCloyn stated that he has had 6 interviews with 2 responding that the positions were filled and 4 have not yet responded.

**Mr. de St. Aubin asked where Mr. McCloyn has applied.**

Mr. McCloyn responded that he applied at the Utah State Hospital, the Utah State Volunteers of America, the Utah State Housing Authority and at the Veterans Administration.

**Mr. Fisher asked if Mr. McCloyn has pursued going to therapy.**

Mr. McCloyn responded that he has contacted Peter Byrne regarding therapy but informed Dr. Byrne that he is required to have Board approval prior to any therapy.

**Ms. Taxin informed the Board that Peter Byrne is a licensed Psychologist and is on the approved list.**

**Mr. Fisher commended Mr. McCloyn for seeking a therapist.**

**Mr. Attallah stated that Mr. McCloyn should explain to a potential employer the level of supervision monitoring that will be required with him on probation and that might help them feel more secure in employing him.**

Mr. McCloyn thanked him for the suggestion.

**Mr. de St. Aubin asked if the former client has continued to try to make contact with him.**

Mr. McCloyn responded that the former client has sent

text messages and he has not responded to the messages.

**Mr. Frandsen made a motion to approve Peter Byrne, Psychologist, as Mr. McCloyn's therapist.**

**Mr. Attallah seconded the motion.**

**The Board vote was unanimous.**

**Ms. Taxin commented that the Board had given Mr. McCloyn until the end of January to be employed and the current time would count toward his probationary period. She requested he meet again February 1, 2007 to report on his employment.**

Mr. McCloyn agreed to meet February 1, 2007. He then stated that he was required to submit a document regarding dual relationships and he had the document to submit.

**The Board requested him to read the document.**

Mr. McCloyn did read the document to the Board. He explained that he thought about himself and what he is going through because of having dual relationships.

**Mr. Fisher commented that the document is more poignant as Mr. McCloyn thought about and analyzed his situation.**

Mr. McCloyn stated that he interviewed with an agency yesterday and talked about the dual relationship in the interview. He stated that he thought it would be beneficial to have a form for staff to follow so others and he would have guidelines to keep them out of trouble. Mr. McCloyn stated that the interview went well and they commented that it was a good idea to have some guidelines written whether they hire him or not.

**Mr. Attallah responded that being more open will help Mr. McCloyn as a therapist.**

**Mr. Attallah made a motion to accept and approve Mr. McCloyn's presentation on dual relationships**

**as having met the requirement in the Stipulation and Order.**

**Ms. Smith seconded the motion.**

**Ms. Taxin reviewed the Stipulation and Order and stated that he was to write a statement regarding risks and effects on clients, former clients and on the therapist when the therapist engages in dual relationships with clients or former clients.**

**Mr. Frandsen remarked that the presentation gives more information regarding the risks and effects to the therapist more than the clients or former clients. He stated that Mr. McCloyn might go more in depth regarding his specific case and his perspective on how it affected the former client or any clients.**

**Mr. de St. Aubin suggested Mr. McCloyn do some study on information that would apply.**

**Ms. Smith suggested he also include more specifically on how it has affected him.**

**Mr. Frandsen requested he include reasons why there are restrictions on dual relationships.**

**The Board asked for the revised document to be submitted at his next appointment.**

**The motion died for lack of a vote.**

**Ms. Taxin asked if Mr. McCloyn has attended AA meetings at least once a month as required in the Stipulation and Order.**

**Mr. McCloyn responded that he has not yet attended any meetings.**

**Ms. Taxin suggested he read the Stipulation and Order carefully to be sure he is in compliance with all requirements. She stated that the Board will review and discuss it more at the next meeting.**

**An appointment was made for Mr. McCloyn to meet again February 1, 2007.**

**10:20 A.M.**

Jan Wimmer, Probationary Interview

Ms. Wimmer met for her probationary interview.

Ms. Stowe-St. Clair conducted the interview.

**Ms. Stowe-St. Clair asked Ms. Wimmer how she has been doing since her last appointment with the Board.**

Ms. Wimmer responded that she has found her position at Unita Academy in the residential facility is more demanding than her previous position and she is required to put in more hours. She stated that it is a great job with great co-workers. Ms. Wimmer stated that all residents are from out of State.

**Ms. Stowe-St. Clair asked if Ms. Wimmer finds any boundary issues working in that environment.**

Ms. Wimmer stated that parents sometimes ask if they can bring something to her and she always says no to them. She shared that one resident said she wished Ms. Wimmer was her mother and she might not have gotten herself into so much trouble. Ms. Wimmer stated that the agency works with young women ages 12 to 18 and her caseload responsibility is for 7 young women at this time that are 13 years old to 16 years old.

**Mr. de St. Aubin asked if Ms. Wimmer has changed her living location.**

Ms. Wimmer responded that she has not moved.

**Mr. de St. Aubin asked if there has been any contact with the former client or if there are any common friends.**

Ms. Wimmer responded that there has been no contact for a couple of years and the common friends were fringe friends from High School.

**Mr. de St. Aubin asked what impact the situation has had on her personal life.**

Ms. Wimmer responded that the situation devastated

her life. She stated that she had planned to stay in Nevada but could not get a license until she had cleared her Utah license and needed to return to Utah to clear the license.

**10:35 am – David Stanley, Division Director, arrived at the meeting.**

**Ms. Taxin commented that Ms. Wimmer's reports have been received and indicate that Ms. Wimmer is doing well in her supervision.**

**Ms. Taxin asked Ms. Wimmer to discuss what her supervision entails.**

Ms. Wimmer responded that she usually meets each morning for a few minutes with her supervisor on her way to the residence where she works. She stated that they also meet regularly at staff meetings and talk about their cases and she and the supervisor formally meet once a week.

**Ms. Taxin asked if the supervisor reviews the client charts and case notes.**

Ms. Wimmer responded that she makes a photocopy for her own files and submits the original notes for the supervisor to review. She stated that the supervisor sends the originals for filing following her review.

**Ms. Taxin confirmed that Ms. Wimmer has completed her continuing education requirement. She stated that the employer reports are due on a 6 month basis.**

Ms. Wimmer commented that Jeff and Becky are co-owners of the agency and asked if either could complete the report and would it be acceptable to submit the first report early.

**Ms. Taxin responded that either could fill out the report and the report would be accepted early in order to prepare the file for the Board to review at their meeting.**

**Ms. Taxin asked Ms. Wimmer to share how she is feeling about her supervision.**

Ms. Wimmer responded that her supervisor, Mashelle Boswell, is very helpful as she knows more than Ms. Wimmer does and shares her knowledge while supervising.

She stated that she meets twice a week with the young women she is responsible for, meets once a week with their families and is starting to work with substance abusers.

**Ms. Taxin recommended Ms. Wimmer read her Stipulation and Order to be sure she is meeting all requirements. She asked Ms. Wimmer to be sure all reports and the employer report are submitted.**

**An appointment was made for Ms. Wimmer to meet again April 12, 2007.**

**10:40 A.M.**

Robert Marshall, Probationary Interview

Mr. Marshall met for his probationary interview.

Ms. Taxin introduced Mr. Stanley, new Division Director, and Mr. Attallah, new Board member.

Mr. de St. Aubin conducted the interview.

**Mr. de St. Aubin asked Mr. Marshall to update the Board on any new developments and on his employment.**

Mr. Marshall responded that he is still employed at Integrity House.

**Mr. de St. Aubin asked if there have been any changes since Mr. Marshall's last meeting with the Board.**

Mr. Marshall responded that there have been no changes other than some residents leave and some new ones come into the program.

**Mr. Fisher asked if Mr. Marshall is continuing to work a 40 hour week.**

Mr. Marshall responded that he is still working a 40 hour week.

**Mr. de St. Aubin asked if Mr. Marshall had any comments regarding supervision with Carol Williams.**

Mr. Marshall responded that he likes Ms. Williams. He stated that she attends some groups now and he sees her every Wednesday.

**Ms. Taxin commented that the Board and Mr. Marshall talked about Ms. Williams and the group sessions at the last appointment. She asked if Ms. Williams is now observing or if she is co-facilitating the groups.**

Mr. Marshall responded that sometimes she observes and sometimes she co-facilitates the groups. He stated that Ms. Williams does co-facilitate the substance abuse groups as she has more experience in that area that he does. He stated that she sometimes co-facilitates the good-bye groups when residents are released from the facility or are changing facilities.

**Mr. Frandsen asked how often there are good-bye groups.**

Mr. Marshall responded that they are every 2 weeks.

**Ms. Taxin asked if Mr. Marshall and Ms. Williams discuss boundaries.**

Mr. Marshall responded that they often discuss which clients he should work with and if a client has submitted a complaint on any staff member then he refuses to work with the client. He stated that Ms. Williams has recommended that he sit further away from his clients and they have discussed his body language when he is with clients. Mr. Marshall stated that he is working on both of these issues.

**Mr. de St. Aubin commented that Ms. Williams shared that she has know Mr. Marshall for about 12 years. He asked Mr. Marshall to respond regarding the type of relationship he has had with Ms. Williams.**

Mr. Marshall responded that he and Ms. Williams



worked at the same agency for a period of time, then at different agencies and are now at the same agency. He stated that he has known who she was and saw her at conferences but there has not been a personal relationship between them. He stated that Ms. Williams lives about 20 miles from town and their personal lives are separate.

**Mr. de St. Aubin asked Mr. Marshall to explain how having known Ms. Williams affects her ability to supervise him.**

Mr. Marshall responded that he feels he can trust Ms. Williams. He stated that he has known of her work and she is basically the reason he was hired at Integrity House.

**Mr. de St. Aubin asked if Mr. Marshall disclosed that he was on probation.**

Mr. Marshall responded that, as he has explained previously, the owner of the agency where he had problems purchased Integrity House so they were aware of his probation.

**Mr. de St. Aubin asked if Mr. Marshall's friendship with Ms. Williams affects her ability to supervise or if she holds him responsible for his actions.**

Mr. Marshall responded that Ms. Williams holds him responsible for his actions and she would report any problems if there were any to report.

**Ms. Taxin asked if Mr. Marshall had any questions for the Board.**

Mr. Marshall commented that he has been on probation for 2 years and a few months. He asked the Board when his probation will end.

**Ms. Smith asked how Mr. Marshall has dealt with the incident of the sister of a former client dying.**

Mr. Marshall responded that he went to see a Psychologist about 2 months ago. He stated that the Psychologist was very firm in stating that he was not

responsible for the death of the client's sister. He stated that he disagrees with the Psychologist. He stated that his perception on whether the client was ready for release was inaccurate and he will feel responsible for a while. Mr. Marshall again asked for any suggestions on how to resolve his issues of guilt.

Mr. Marshall stated that the mother of a client of the agency passed away recently. He stated that he and Ms. Williams reviewed counter-transference at that time and he does not feel any guilt as he was not working directly with the client.

**Ms. Smith responded that the Board recommended he seek therapy to resolve his guilt issues and he had stated that he did not want to see a therapist as he already knew what they would say.**

Mr. Marshall stated that he does not think going to therapy is helpful but will do as the Board asks.

**Ms. Taxin stated that asking Mr. Marshall to go to therapy is not the issue for which he is on probation. She stated that the Board made a recommendation and Mr. Marshall may or may not follow up on that recommendation.**

**Mr. de St. Aubin asked Mr. Marshall what he thinks he has to learn to practice safely without supervision.**

Mr. Marshall responded that he did not know what he needs to learn. He stated that over the 2 years and a few months of being on probation he has made changes in his life as he has explained when he has met with the Board. He stated that his reports have been positive and there have not been any additional transgressions.

**Mr. de St. Aubin asked Mr. Marshall if he is of the opinion that he is ready to practice without supervision.**

Mr. Marshall responded that he is of the opinion that he is safe to practice without supervision.

**Ms. McAfee commented that Ms. Williams letter**

**indicates that Mr. Marshall has skills in place to be sure he does not lose control. She asked Mr. Marshall to explain what those skills are.**

Mr. Marshall responded that he holds to the 40 hour work week, he has been developing a better relationship with his wife and family and has spent more time with the family. He stated that he knows which clients to work with and which he should not work with. He stated that, in the past when he had problems, he had a feeling of narcissism for the clients and employers who told him he could do a lot and he did do a lot. He stated that he does have skills as Ms. Williams mentioned such as not placing himself into a situation that he feels is risky. He stated that there was a client who came to the agency who made accusations against another clinician, a teacher and others and he refused to take her as a client.

**Mr. Fisher stated that Mr. Marshall's comments are good comments. He stated that Mr. Marshall should write a formal request for termination of probation and submit it for the Board to review and consider at the February 1, 2007 Board meeting.**

Mr. Marshall responded that in January 2006 he requested early termination and was told at that time that the request for early termination was too early. He stated that the Board informed him that he would have to wait until October 2006 before the request would be considered.

**Ms. Taxin explained that Mr. Marshall changed his employment and his supervisor since the first request was submitted and he will need to formally submit an updated request. She requested that he address how he has grown through his probation. Ms. Taxin stated that Mr. Marshall's request should be submitted about 2 weeks prior to the April 12, 2007, Board meeting. She stated that the Board will review the request during Mr. Marshall's next appointment.**

**An appointment was made for Mr. Marshall to meet again April 12, 2007.**

**11:00 A.M.**

Megan Heath, Probationary Interview

Ms. Heath met for her probationary interview.

Mr. Attallah introduced himself to Ms. Heath as a new Board member.

Mr. Attallah conducted the interview.

**Mr. Attallah stated that the therapist and supervisor reports were received and reviewed. He stated that the reports were positive but the therapist report was the same report for both months.**

Ms. Heath responded that her therapist has the form on her computer and maybe did not take the time to personalize each report. She stated that she will let the therapist know that the reports should be personalized.

**Ms. Taxin commented that more detail on the reports would be appreciated as the Board wants to know how Ms. Heath is progressing over the time of her probation.**

**Mr. Attallah asked Ms. Heath to discuss how her holidays were and how she is doing.**

Ms. Heath responded that the Holidays were difficult. She stated that she is still feeling down and is trying to get out of that feeling. She reported that she obtained employment with North Eastern Services supervising adult handicapped people in a home setting. She stated that she reviews the treatment plan and then helps the residents achieve their goals. Ms. Heath stated that she has one more week working as a waitress and then will quit that job. She stated that North Eastern Services is not in her field of licensure but she will have regular shifts and scheduled time frame to work. Ms. Heath stated that she is still working at the nursing home. She submitted the December report from Dan Heiner, her employer. Ms. Heath stated that she also has the list of AA meetings she has attended and will make a copy for the file.

**Mr. Attallah reported that Ms. Heath's drug tests have all been negative.**

**Ms. Taxin asked if it has been difficult for Ms. Heath to remain drug free and sober.**

Ms. Heath responded that there have been days when she thought that if she was not being tested she does not think she would be drug free and sober. She stated that some days she is a little nutty around the family and is very protective of herself. She stated that she wonders if she will stay drug free and sober when she no longer has the current consequences. She stated that she is trying to develop ways to continue to be drug free and sober.

**Mr. Attallah asked if these issues are being addressed in her therapy.**

Ms. Heath responded that she is working on these issues in her therapy.

**Ms. Taxin asked if the therapist is a good choice for her issues.**

Ms. Heath responded that the therapist is a good choice as she listens and helps with the issues.

**Mr. Frandsen asked what Ms. Heath does to cope with stress.**

Ms. Heath responded that she likes to go to the gym to exercise when she is stressed. She stated that she has been getting migraines and has not been able to go to the gym regularly. She stated that it appears that her health has gone down as she used to exercise and run marathons but is unable to do the running now. She stated that it is probably due to the lack of motivation and the depression she has been feeling lately. Ms. Heath stated that she does have good friends in recovery that are a help to her.

**Mr. de St. Aubin asked how often she attends the AA meetings.**

Ms. Heath responded that she attends 2 or 3 times a week. She stated that she has a good sponsor who has spent a lot of her time to help Ms. Heath finish the 4<sup>th</sup> and 5<sup>th</sup> steps. Ms. Heath stated that her sponsor is starting a new job and has notified Ms. Heath that she

may have to find another sponsor due to time constraints. Ms. Heath stated that she does not want to change sponsors if she does not have to. She stated that there are several others who she can call if she is in trouble.

**Mr. Attallah stated that it appears Ms. Heath has people in place to help if she needs help. He asked her to discuss her employment.**

Ms. Heath responded that she loves the nursing home position. She stated that Krista Aller, her supervisor, has come in to observe her work. She stated that she would like to be using her clinical skills with Ms. Aller supervising her but has been unable to locate employment as a mental health therapist.

**Mr. Attallah asked if there is anything the Board can do for Ms. Heath.**

She responded that she needs to submit a UA and, due to snowy and bad roads today, will probably not make it back to Smithfield in time. Ms. Heath asked if the Division would be able to collect the UA.

**Ms. Taxin stated that she would check with the URAP coordinators and excused herself from the meeting for a moment.**

**Mr. de St. Aubin asked Ms. Heath where she feels the most vulnerable.**

Ms. Heath responded that getting sick worries her as even cough medication makes her have to think carefully as to the content. She stated that any stress is also difficult as she had immediate medication to reduce stress for so many years and now she has to learn to deal with her feeling. She stated that relaxing is hard. Ms. Heath stated that she has found that watching movies helps her as a distraction and she sees a lot of movies. She stated that reading has been effective and was using personal meditation as a distracter from feeling.

**Mr. de St. Aubin commented that feeling emotions is not always a good experience.**

**Ms. McAfee asked if Ms. Heath has any short term goals to work into doing exercise, reading, etc.**

Ms. Heath responded that she is trying to make some exercise a daily goal.

**Mr. de St. Aubin suggested she might try doing goals day to day and think only of today and right now with manageable goals. He stated that the Board encourages her to continue what she is currently doing.**

**An appointment was made for Ms. Heath to meet again April 12, 2007.**

**Ms. Taxin returned to the meeting and assisted Ms. Heath with her UA issue.**

**11:15 A.M.**

**The Board took a break during the assistance of Ms. Heath's request for accommodations.**

**11:20 A.M.**

Matthew Kaopua, LCSW Application Review

Mr. Kaopua met for the review of his LCSW application.

Ms. Taxin and Board members introduced themselves to Mr. Kaopua.

Mr. Fisher conducted the interview.

**Mr. Fisher explained that the Board has some concerns regarding Mr. Kaopua's application. He stated that there are some items the Board would like to explain to Mr. Kaopua regarding what is expected for LCSW licensure and the scope of practice expected of the CSW.**

**Mr. de St. Aubin asked if Mr. Kaopua is expecting a specific decision today.**

Mr. Kaopua responded that he was meeting to explain his situation and to request the Board to review and assess his coursework and give him a list of specific courses he needs to complete. He stated that he now understands that the Board does not review and recommend courses to take as education requirements are evaluated by the Universities.

Mr. Kaopua explained that he was licensed as a CSW on May 24, 1982, with an administrative track of social work education. He stated that he did go into the practice of supervised mental health therapy, completed his 4000 hours of training and submitted his application for LCSW in the fall of 1996. Mr. Kaopua stated that the LCSW license was denied based on the lack of the clinical courses. He then explained that he has had health problems and has been on dialysis. He stated that when his health improved he went back into clinical practice under supervision. Mr. Kaopua stated that his supervisor recommended he again submit his application for the Board to review and to make recommendations on coursework he needs to complete. He stated that he now understands that he was misguided by his supervisor as he now has a second denial.

**Mr. de St. Aubin asked if Mr. Kaopua has contacted a University regarding specific clinical courses that he needs to complete the clinical track.**

Mr. Kaopua responded that he has contacted Larry Smith at the University of Utah and registered for the clinical courses he needs. He stated that he would like the Board to give approval for him to continue working as a mental health therapist until he completes his courses and will be ready for LCSW licensure.

**Mr. Fisher asked Mr. Kaopua to explain his understanding of the scope of practice for the CSW with the administrative track.**

Mr. Kaopua responded that there was no distinction between the administrative and clinical track when he went to the University but the transcripts indicate the administrative track. He stated that he thought the scope of practice was the same.

**Mr. de St. Aubin asked where Mr. Kaopua is employed.**

Mr. Kaopua responded that he is employed at Community Connection Services with Ken Lowe as his supervisor.



**Mr. de St. Aubin asked if Mr. Lowe is living in St. George, Utah.**

Mr. Kaopua responded that Mr. Lowe moved to St. George about 2 years ago but comes up to the Salt Lake area for Mr. Kaopua's supervision or uses the webcam to be in contact for supervision.

**Mr. de St. Aubin commented that the hours completed would not be considered. He asked how Mr. Lowe does face to face supervision as the webcam would not be face to face. Mr. de St. Aubin commented that it appears Mr. Kaopua would like to pursue the LCSW license by entering into a program for the clinical courses.**

Mr. Kaopua did not explain how the face to face supervision takes place.

Mr. Kaopua responded that he has enrolled in clinical courses and is interested in obtaining his LCSW.

**Mr. Fisher stated that the Board briefly reviewed Mr. Kaopua's application and the Board understands that the Division denied the LCSW license. He stated that the discussion would be turned over to Ms. Taxin to explain options for Mr. Kaopua.**

**Ms. Taxin explained that it is believed that Mr. Kaopua understood that the CSW with an administrative track did not qualify for clinical work and then he went ahead and provided clinical work. She stated that, in some cases, this type of practice that is outside the required scope of practice would be referred to investigations as she mentioned to Mr. Kaopua on the phone.**

**Ms. Taxin stated that the goal of the Division and the Board is to assist Mr. Kaopua to be successful. She stated that there is a little flexibility as his education was completed in 1980 when the coursework was more general, where now it is specific and there is only the clinical track.**

**Ms. Taxin explained that the Board and Division are charged with protection of the public and the**

**clinical classes give the background to practice safely.**

**Ms. Taxin stated the following:**

- 1. Mr. Kaopua could be allowed to continue to be licensed as a CSW but could not practice as a clinical mental health therapist until he completes the coursework requirement and he would need to abide by his agreement not to work clinically.**
- 2. The Board could recommend the Division issue a Social Work Extern license which would allow Mr. Kaopua 3 years to complete the education. He would be able to continue clinical work under supervision but the hours would not count.**
- 3. Upon completion of the education requirements, Mr. Kaopua could apply again for the CSW and start his 4000 hours of supervised mental health therapy and the hours would count when the CSW license is issued.**
- 4. The Board may recommend the Extern license to be a probationary license in order for Mr. Kaopua to be monitored and to be sure he is receiving correct supervision.**
- 5. Ms. Taxin stated she would consult with an AG about additional options and stipulation requirements if applicable.**

**Ms. Taxin stated that Mr. Kaopua did not take responsibility as he knew already that he needed the clinical coursework and he choose to continue clinical practice.**

**She asked Mr. Kaopua if he had any additional information he would like to share with the Board.**

Mr. Kaopua responded that his Bachelor program had some higher level courses and when he enrolled in the Masters program he thought he would be retaking those higher level courses and did not choose to take them again. He stated that he did complete a practicum at the VA hospital during his Masters program.

**Mr. de St. Aubin commented that there is no**

**question regarding the first year course content. He stated that when the Law and Rule outlines the clinical content and practicum it is due to the courses and training being more clinical and those are not part of the BSW or the first year of the MSW programs. He stated that the clinical concentration is in the 2<sup>nd</sup> year of the MSW program and Mr. Kaopua's 2<sup>nd</sup> year did not have the clinical concentration coursework. He then asked Mr. Kaopua what type of unit he worked in at the VA for his practicum.**

Mr. Kaopua responded that he was assigned to the drug abuse detox unit at the VA.

**Mr. de St. Aubin asked what type of clinical setting at agencies Mr. Kaopua has been employed in.**

Mr. Kaopua responded that he worked at Magellan but was working in direct clinical practice. He stated that he has had training over the years through continuing education courses but those will not count toward education.

**Mr. de St. Aubin asked if his position at Magellan was to review mental health diagnosis and treatment recommendations.**

Mr. Kaopua responded that he did review mental health diagnosis and treatment recommendations that were written by others.

**Mr. Attallah asked how many years Mr. Kaopua has worked under the supervision of Mr. Lowe.**

Mr. Kaopua responded that he has worked 5 years under Mr. Lowe.

**Mr. de St. Aubin asked if Mr. Kaopua was really aware that he was practicing outside the scope of practice with the administrative track.**

Mr. Kaopua responded that he was not really aware that he was practicing outside the scope. He stated again that his supervisor recommended he apply for the LCSW and would probably be denied but the Board would give him specific guidance regarding

what courses to take and what he would need to do for the LCSW license.

**Mr. Attallah voiced his concern regarding Mr. Lowe's advice.**

Mr. Kaopua responded that he is responsible as he should have called the Division for guidance and should not have submitted his application.

**Mr. Fisher reviewed the options that Ms. Taxin presented.**

**Ms. Taxin explained that the Extern license is a step back from the CSW but would allow Mr. Kaopua to complete his clinical concentration. She explained that the CSW license he currently holds would allow him to practice as a social work administrator. Ms. Taxin again stated that Mr. Kaopua could accept the option of retaining his CSW with an agreement that he will discontinue clinical practice and complete the required education. Ms. Taxin stated that the Division would not be able to issue an Extern license while allowing him to retain the CSW license.**

**Mr. de St. Aubin explained that the advantage of the Extern license is that Mr. Kaopua would be allowed to work as a clinician while completing the education requirements.**

**Mr. de St. Aubin asked if a probationary license could be issued without it being disciplinary action.**

**Ms. Taxin responded that she will need to discuss the options with the Attorney General for a conclusion. She explained that Mr. Kaopua would have the option of a stipulated agreement and that a stipulated agreement is always disciplinary action.**

Mr. Kaopua commented that he would not be interested in an Extern license as he would then have a time limit of 3 years to complete the education and if he has another medical situation he would not be able to meet that requirement. He stated that there are 4 classes he has to complete and he is enrolled in 2 now

and plans to take the other 2 in the fall of 2007.

**Ms. Taxin stated that the Law will not allow for an extension or renewal of the Extern license. She stated that the period for that type of license is only 3 years.**

**Ms. Taxin also stated that when Mr. Kaopua is practicing mental health therapy he must have face to face supervision for his own growth and benefit. She stated that the current Laws and Rules do not define face to face as webcam supervision.**

**Mr. Fisher asked if Mr. Kaopua understands that his 4000 supervised hours will start over when he completes his education.**

Mr. Kaopua responded that he does understand.

**Ms. Taxin asked how many clients he is currently working with.**

Mr. Kaopua responded that he has 5 to 10 clients.

**Mr. de St. Aubin recommended the Board accept Mr. Kaopua's practicum as a student for the VA as completion of the clinical practicum. He recommended the Board consider waiving the clinical practicum based on working at the VA and the additional clinical hours he has completed.**

**Mr. Fisher stated that if the practicum hours exist through the VA that Mr. Kaopua would have completed half of the practicum.**

**Mr. Attallah stated that he has a concern regarding the DSM training. He stated that he would be willing to acknowledge the practicum but not the work hours as there is not the training and follow up in the work place as there is in the education program practicum.**

**Ms. Taxin asked Mr. Kaopua to get any documentation regarding his practicum at VA and submit it for the Board to review.**

Mr. Kaopua responded that he might decide to

continue with the practicum as he has several clients that he has been working with and would like to continue their treatment under the practicum. He asked Ms. Taxin how long the process will take and when she will notify him.

**Ms. Taxin responded that she will have to talk with the AG and might be able to contact Mr. Kaopua by next Wednesday, January 10, 2007. She recommended he cease seeing clients until she has information for him.**

Mr. Kaopua asked if he should register for the practicum.

**Ms. Taxin and the Board recommended he register for the practicum as he can withdraw if necessary.**

**Mr. Attallah stated that it is critical for Mr. Kaopua to submit information regarding his practicum for Ms. Taxin and the Attorney General to consider if it will meet the requirement.**

**Ms. Taxin reminded Mr. Kaopua that the agency where he has been working will need to have another therapist until Mr. Kaopua is approved to practice mental health therapy.**

**12:25 P.M. – Mr. Fisher left the meeting.**

**Ms. Taxin asked if the Board would like Mr. Kaopua's supervisor, Mr. Lowe, to meet at the February 1, 2007 meeting to discuss supervision requirements.**

**The Board responded that they would like to talk with Mr. Lowe.**

**Ms. Taxin concluded the discussion by restating she will contact Mr. Kaopua after reviewing his practicum with the AG and discussing specific options with the AG.**

## **DISCUSSION ITEMS:**

Internet Mental Health Therapy

Ms. Taxin explained that Frank Clayton submitted a letter asking if internet mental health therapy is an

acceptable form of therapy. She stated that she called Mr. Clayton and explained that the current Law does not allow for internet mental health therapy. Ms. Taxin stated that she explained confidentiality issues and requirements for documentation and problems with conducting therapy across State lines.

Ms. Taxin then read the letter. She commented that Mr. Clayton also included several articles of pros and cons regarding internet therapy.

**Mr. Attallah stated that there has been training in his agency regarding the issues of using internet therapy. He stated that the training included information regarding e-mails outside a fire wall not being secure, internet information not being encrypted and expensive software that may be purchased to encrypt and that cell phones are not secure.**

**Mr. de St. Aubin commented that other States have reviewed the issue and there have been several articles published. He recommended Ms. Taxin contact ASWB for additional guidance prior to providing a position to Mr. Clayton. He did note that current Laws and Rules do not allow for internet services.**

**The Board concurred with Mr. de St. Aubin for Ms. Taxin to contact ASWB for their stance on the issue prior to responding to Mr. Clayton.**

Utah Valley State College courses for Social Service Worker Licensing

Ms. Taxin explained that she received a call from 2 gentlemen regarding someone who has a degree in communications and is deficient in the area of the Practice Methods Course to complete the education for Social Service Work licensing. She stated that they requested her and the Board to review some courses offered at Utah Valley State College, UVSC, to determine if they will meet the requirement of the Practice Methods Course. She explained that registration is today and they will need an answer after the Board meeting.

**Mr. Attallah stated that the Board will need to continue the review of courses to determine if they will meet the requirements of the Practice Methods**

**Course for Social Service Worker licensing.**

**Mr. de St. Aubin stated that the case management course appears to meet part of the requirements.**

**Board members concurred with Mr. de St. Aubin and requested additional information to review.**

Custody Evaluations

Ms. Taxin explained that she received a phone call from a Psychologist regarding meeting with her and some Judges to discuss who is qualified by education to conduct custody evaluations. Ms. Taxin stated that she responded that LCSW's, MFT's, Professional Counselor's and Psychologists are qualified to conduct custody evaluations if trained and educated but could not be the evaluator and the therapist.

Ms. Taxin stated that she then received a letter regarding the issue. She read the letter to the Board regarding minimum qualifications are that custody evaluations must be conducted by a licensed Psychologist.

She stated that she contacted MMPI regarding the examination given and they informed her that they will sell the MMPI to anyone with a Masters counseling degree education.

Ms. Taxin stated that some members of the Psychology Board and some Psychologists have commented that only a licensed Psychologist could conduct the MMPI for custody evaluations.

She stated that she is confident that the LCSW, MFT and Professional Counselor could not do the psychological evaluation but could do a mental health evaluation.

**Mr. de St. Aubin responded that he attended a meeting where it was decided that any licensed mental health therapist could conduct the evaluation if they had the training.**

Ms. Taxin stated that it was her understanding that there was not a final determination made. She stated that she talked with the attorneys and it was made very clear that the licensed mental health therapist could do



a mental health evaluation but a psychological evaluation must be completed by a licensed Psychologist.

**1:10 P.M. – Ms. Stowe-St. Clair left the meeting.**

Ms. Taxin commented that her intention was to discuss the issue and educate the Board on the correct language to use for evaluations to be sure mental health therapists are not crossing the line by saying they do psychological evaluations as that would be a violation of the current Law.

FYI

Ms. Taxin stated that it is becoming quite common for individuals to be practicing mental health therapy without being licensed and without taking the ASWB examination. She stated that she is currently dealing with some of these issues. Ms. Taxin stated that people do not understand that the process is to graduate, take the examination and then submit an application for the Certified Social Worker license prior to completing the required 4000 supervised hours to be a Licensed Clinical Social Worker. Ms. Taxin stated that she believes most employers forget to check and then time has gone by and it is too late. She stated that she brought up the issue to inform the Board.

**Mr. Attallah commented that, based on the same concerns, his agency requires a minimum of a CSW Intern license prior to hire.**

Update on Robert Anderson

Ms. Taxin stated that Mr. Anderson has not contacted her by telephone or e-mail and he has not yet submitted the signed surrender of license documents. She stated that his office phone number has been disconnected. Ms. Taxin stated that the Division has received calls from several of Mr. Anderson's clients regarding assistance in locating their files.

2007 Board Meeting Schedule

**The Board noted the following dates for the 2007 Board Meetings: February 1, March 1, April 12, May 10, June 7, July 12, August 2, September 6, October 4, November 1 and December 6, 2007.**

**NEXT MEETING SCHEDULED FOR:**

February 1, 2007

**MEETING ADJOURNED AT:**

1:25 P.M.

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Date Approved

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Chairperson, Utah Social Work Licensing Board

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Date Approved

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Bureau Manager, Division of Occupational &  
Professional Licensing